

EXHIBIT E

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Re: Milda Mattila – Product Liability/Fungal Meningitis
Medicare No: 384123594B
Case ID: 201308509000178
Our File No: 13106

Dear Sir / Madam:

I represent Milda Mattila, who has a Third Party Liability claim against the NECC Pharmacy, pending in the Bankruptcy Court in Boston, Massachusetts. Ms. Mattila is expected to receive a total payout of *approximately* \$253,575 (before deduction of costs, attorney fees, and liens), to be paid out in four separate installments throughout the year.

Ms. Mattila is an elderly woman with several health problems that are unrelated to the fungal infection. I believe you will agree that many of the itemizations submitted in support of Medicare's claim of lien do not relate to fungal meningitis/infection. Specifically, this chart contains a list of the diagnosis codes that are used for conditions unrelated to Ms. Mattila's incident.

Code	Condition	Reason
R4182	Altered mental status, unspecified	Chronic/unrelated
R509	Fever, unspecified	Unrelated
7993	Debility, unspecified	Chronic/unrelated
29411	Dementia in conditions classified elsewhere w/behavioral disturbance	Chronic/unrelated
71509	Osteoarthritis, generalized, multiple sites	Chronic/degenerative
73018	Chronic osteomyelitis, other specified sites	Unrelated
53081	Esophageal reflux	Unrelated
7242	Lumbago	Chronic/unrelated
7862	Cough	Unrelated
V440	Tracheostomy status	Unrelated
486	Pneumonia, organism unspecified	Unrelated

28860	Leukocytosis	Unrelated
00845	Intestinal infection due to C. difficile	Unrelated
2630	Malnutrition of moderate degree	Chronic/unrelated
28529	Anemia of other chronic disease	Chronic/unrelated
29420	Dementia, unspecified, w/o behavioral disturbance	Chronic/unrelated
78720	Dysphagia, unspecified	Unrelated
51881	Acute respiratory failure	Unrelated
V462	Other dependence on machines, supplemental O2	Unrelated
79902	Hypoxemia	Unrelated
V4611	Dependence on respirator, status	Unrelated
7291	Myalgia and myocitis, unspecified	Unrelated
7197	Difficulty in walking	Chronic/unrelated
72887	Muscle weakness, generalized	Chronic/unrelated
25000	Diabetes mellitus w/o mention of complication	Chronic/unrelated
2900	Senile dementia, uncomplicated	Chronic/degenerative
70724	Pressure ulcer, stage IV	Unrelated
78060	Fever, unspecified	Unrelated
4019	Unspecified essential hypertension	Unrelated
51883	Chronic respiratory failure	Unrelated/chronic
70703	Pressure ulcer, lower back	Unrelated
78440	Voice and resonance disorder, unspecified	Unrelated
481	Pneumococcal pneumonia, Streptococcus	Unrelated
5990	Urinary tract infection, site not specified	Unrelated
78192	Abnormal posture	Unrelated
78722	Dysphagia, oropharyngeal phase	Unrelated
53085	Barrett's esophagus	Chronic/unrelated
0389	Unspecified septicemia	Unrelated
V1254	Personal history of TIA/cerebral infarction	Unrelated
V4579	Other acquired absence of organ	Unrelated
V4986	DNR status	Unrelated
1120	Candidiasis of mouth	Unrelated
2859	Anemia, unspecified	Unrelated
59010	Acute pyelonephritis w/o lesion	Unrelated
71690	Arthropathy, unspecified, site unspecified	Chronic/unrelated
78830	Urinary incontinence, unspecified	Unrelated
99591	Sepsis	Unrelated

7213	Lumbosacral spondylosis w/o myelopathy	Chronic/degenerative
30000	Anxiety state, unspecified	Unrelated
72252	Degeneration of lumbar or lumbosacral intervertebral disc	Chronic/degenerative

Furthermore, I ask that you remove all charges for treatment occurring after September 30, 2013. The NECC cut-off date for recovery eliminates any payment for treatment occurring after September 30, 2013. Ms. Mattila is not receiving any compensation for treatment occurring after this date. Similarly, Ms. Mattila should not be billed for any service rendered prior to September 30, 2013, as they predate her illness and are unrelated.

Also, please be advised that Ms. Mattila is expected to receive a total settlement of *approximately* \$253,575 (before deduction of costs, attorney fees, and liens), to be paid out in four different installments throughout the year. The NECC Trust Administrator will be issuing the first partial settlement payment for \$104,586.41 once I tender a letter from Medicare advising that we have agreed to resolve the Medicare lien. The first partial settlement payment will be reduced by the advanced costs in pursuing the claim – approximately \$3,105.91, less the 1/3 attorney fee of \$33,826.83 (the total 1/3 attorney fee coming out of all four settlement checks combined is estimated to be \$83,489.70).

Please revise the lien asserted by CMS/Medicare after removing all charges for the diagnosis codes listed above, and forward to the undersigned an updated lien itemization. Thank you in advance for your assistance with this matter. I remain,

Very truly yours,

Melanie J. Duda

Enclosures